

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

ESTHER GOLDMAN,

Plaintiff(s),

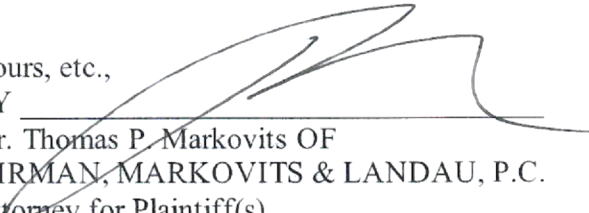
-against-

CVS PHARMACY INC. and WYKAGYL
ASSOCIATES HJ LLC.,

Defendant(s).

Plaintiff designates Westchester County as
the place of Trial.The basis of the venue is plaintiff's
residence.SUMMONSPlaintiff resides at
80 Jerome Avenue
New Rochelle, NY 10804**To the above named Defendant(s):**

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. In the event that Article 16 of the CPLR applies, this case falls within an exception to the same.

Dated: New York, New York
November 3, 2023Yours, etc.,
BY
Mr. Thomas P. Markovits OF
MIRMAN, MARKOVITS & LANDAU, P.C.
Attorney for Plaintiff(s)Office and Post Office Address
291 Broadway - 6th Floor
New York, New York 10007
Tel. No.: (212) 227-4000
File No.: 301585

NO SERVICE BY FAX ACCEPTED

Defendant(s)' Address(es):

CVS PHARMACY INC., 1296 North Avenue, New Rochelle, NY 10804

WYKAGYL ASSOCIATES HJ LLC., 1350 Avenue of the Americas, New York, NY 10019

PLEASE FORWARD TO YOUR INSURANCE COMPANY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

ESTHER GOLDMAN,

Plaintiff(s),

-against-

CVS PHARMACY INC. and WYKAGYL
ASSOCIATES HJ LLC.,

Defendant(s).

COMPLAINT

Plaintiffs, by their attorney, **MIRMAN, MARKOVITS & LANDAU, P.C.**, for their complaint against the Defendants, allege as follows:

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF ESTHER GOLDMAN

1. Upon information and belief, at all the dates and times hereinafter mentioned, defendant CVS Pharmacy Inc., owned premises known as 1296 North Avenue, County of Westchester, State of New York.
2. Upon information and belief, at all the dates and times hereinafter mentioned, defendant CVS Pharmacy Inc. operated premises known as 1296 North Avenue, County of Westchester, State of New York.
3. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant CVS Pharmacy Inc. controlled premises known as 1296 North Avenue, County of Westchester, State of New York.
4. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant CVS Pharmacy Inc. managed premises known as 1296 North Avenue, County of Westchester, State of New York.
5. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant CVS Pharmacy Inc. maintained premises known as 1296 North Avenue, County of Westchester, State of New York.

6. Upon information and belief, at all the dates and times hereinafter mentioned, defendant WYKAGYL ASSOCIATES HJ LLC., owned premises known as 1296 North Avenue, County of Westchester, State of New York.

7. Upon information and belief, at all the dates and times hereinafter mentioned, defendant WYKAGYL ASSOCIATES HJ LLC., operated premises known as 1296 North Avenue, County of Westchester, State of New York.

8. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant WYKAGYL ASSOCIATES HJ LLC., controlled premises known as 1296 North Avenue, County of Westchester, State of New York.

9. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant WYKAGYL ASSOCIATES HJ LLC., managed premises known as 1296 North Avenue, County of Westchester, State of New York.

10. Upon information and belief, at all the dates and times hereinafter mentioned, the Defendant WYKAGYL ASSOCIATES HJ LLC., maintained premises known as 1296 North Avenue, County of Westchester, State of New York.

11. Upon information and belief, at all the dates and times hereinafter mentioned, the Plaintiff was lawfully upon and at the premises known as 1296 North Avenue, County of Westchester, State of New York.

12. On or about September 29, 2023, at the premises known as 1296 North Avenue, County of Westchester, State of New York, Plaintiff Esther Goldman was caused to be injured.

8. That the aforesaid injuries to plaintiff Esther Goldman occurred solely and wholly through the negligence of the defendants, their agents, servants and employees, in the ownership, leasing, operation, maintenance, control and management of their respective premises and more particularly premises known as 1296 North Avenue, County of Westchester, State of New York, although said

defendants knew or should have known of the dangers and hazards there existing and nonetheless failed to remedy same.

9. As a result of the aforesaid, the Plaintiff was rendered sick, sore, lame and disabled, was caused to suffer great pain, was and is internally and externally injured, will continue to endure great pain and suffering, and has sustained and will continue to sustain special damages, all to Plaintiff's damage.

10. That as a result of the foregoing, the defendant acted recklessly and wantonly and without any regard to the safety of Plaintiff.

WHEREFORE, Plaintiff(s) demand judgment against the defendants CVS PHARMACY INC. and WYKAGYL ASSOCIATES HJ LLC. on the First Cause of Action, Second Cause of Action and on the Third Cause of Action together with interest, costs and disbursements of this action. In the event that Article 16 of the CPLR applies, this case falls within an exception to the same.

Dated: New York, New York
November 3, 2023

Yours, etc.,

MIRMAN, MARKOVITS & LANDAU, P.C.
Attorney for Plaintiff(s)
Office and Post Office Address
291 Broadway - 6th Floor
New York, New York 10007
Tel. No.: (212) 227-4000
File No.: 301585
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

ESTHER GOLDMAN

X

Plaintiff(s),

Index No.:

-against-

CVS PHARMACY INC. and WYKAGYL
ASSOCIATES HJ LLC.

X

Defendant(s),

NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)

You have received this Notice because:

- 1) The Plaintiff(s), whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys
(E-filing is Mandatory for Attorneys)

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated:

Mr. Thomas P. Markovits
Name

291 BROADWAY 6TH FL
Address

MIRMAN, MARKOVITS & LANDAU
Firm Name

NEW YORK, NY 10007

212-227-4000
Phone

E-Mail

To: DEFENDANT(S)

6/6/18

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Defendant(s).

SUMMONS & COMPLAINT

MIRMAN, MARKOVITS & LANDAU, P.C.

291 Broadway - 6th Floor
New York, New York 10007
Tel. No. (212) 22-4000
